

Kimberly Alen

Deposition

April 12, 2005

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1 and a half previous?

2 Q. All right. And what did this person say?

3 A. She said that if he was breathing, he was

4 okay.

5 Q. Did she say anything else?

6 A. Not that I remember.

7 Q. And so to your -- in your recollection, and

8 I'm not saying you used these exact words, but your

9 memory is you told this person about the prior visit

10 to the ER. You told him about Mr. Allen's symptoms,

11 in terms of his pain in the neck and in his head. You

12 told this person that he had nausea and vomiting, and

13 you told them that he had received a shot of

14 Phenergan. You told them the name of the medication?

15 A. Yes.

16 Q. The best you knew it at the time?

17 A. Right.

18 Q. And that you couldn't wake him up and he was

19 snoring?

20 A. Right.

21 Q. Did you say anything else in terms of

22 symptoms or complaints or anything like that?

23 A. Not that I...

24 Q. Did this person -- let's assume it was a

25 nurse. Did this nurse ask you any questions?

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1 A. No, not that I remember, because I basically

2 told her all --

3 Q. So you would have presented all this. It

4 wasn't her asking you follow-up questions to get more

5 information. It was just you telling her all this.

6 A. It was like a nurse hotline. You know, you

7 call. I wanted -- I wanted her to be able to give me

8 valid, good information, so I gave her as much

9 information as I had.

10 Q. And when you were done, did she -- she said

11 as long as he was breathing, it's okay?

12 A. As long as he was breathing, yeah. As long

13 as he's breathing, he's okay. You know, just continue

14 to monitor him. And then it made me feel better. And

15 I thought, well, okay, and that was that.

16 Q. I'm just trying to be careful. Did she ask

17 any other questions to get any other information, like

18 where you were or what your phone number was or what

19 your name was? Did she get your name?

20 A. I don't believe so, no.

21 Q. Did you tell her who you were, your name or

22 your husband's name?

23 A. Not that I remember.

24 Q. And did she ask any of those questions: Who

25 are you, where are you, anything like that?

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1 A. Not that I remember.

2 Q. Okay. Any other questions? I mean, because

3 the way I'm hearing it right now is you called. This

4 person says, I'm a nurse in the ER, and you say,

5 here's my problem. And you proceed to give all the

6 information. And then she tells you, well, as long as

7 he's breathing, he's okay. Just keep an eye on him.

8 A. Correct.

9 Q. Did she say anything else?

10 A. Not that I recall, no.

11 Q. And after she finished that, did you say

12 anything else?

13 A. I said, "Okay. Thank you."

14 Q. And then you hung up the phone?

15 A. Right.

16 Q. All right. And is there anything else that

17 you can tell me that I can use to figure out who this

18 person is? We don't know this person's name.

19 A. I really wish I could.

20 Q. And we don't know -- you recall them

21 saying -- and it's a she saying that they were a

22 nurse?

23 A. Yeah.

24 Q. Anything else? I can't think of anything,

25 but I'm just --

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1 A. No. I really wish I could, though.

2 Q. And have you gotten any information at any

3 time since then that's told you who this person is?

4 A. No.

5 Q. All right. After you hung up the phone,

6 what happened next?

7 A. That was when we -- you know, I watched TV

8 some more. And watched TV some more. And I was

9 laying there with him. And I noticed his breathing

10 was different and his chest felt different. So then

11 that's when I really tried to wake him up and tried to

12 lift him up. And he was dead weight. So when I

13 lifted his left side to roll him over, that's when the

14 blood came out.

15 Q. And where did the blood come out of?

16 A. Mouth.

17 Q. Out of his mouth. And you only noticed it

18 when you turned him over and it sort of dripped out?

19 A. It rolled, yes, down the side of his mouth.

20 Q. How much blood was it? Did it look --

21 A. It was a stream of blood outside of his

22 mouth.

23 Q. Okay. Did it continue to bleed, or was it

24 just a dripping and then stop? Do you remember?

25 A. It was a stream of blood. And when I saw

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1 that, I dropped him and jumped to the phone and dialed
2 911.

3 Q. All right. Do you recall -- after calling
4 ANMC to talk to them about Mr. Allen, did you make any
5 other phone calls, either from the motel or from your
6 cell phone?

7 A. I believe I called the place in Palmer where
8 we were going to get the picture.

9 Q. Okay. Any other calls?

10 A. Not that I remember, no.

11 Q. And then the emergency team came. And just
12 so I can be clear, do you have a clear recollection of
13 what exactly you told them when they came? Did you
14 just repeat what had happened the best you could
15 remember it, in terms of that day?

16 A. Yeah. Yeah. Everything that I have stated
17 thus far, yeah, I told them exactly, too.

18 Q. Did you talk to one person at the scene?

19 A. Talked to many people at the scene.

20 Q. Okay. And then they took Mr. Allen. And
21 did you go in the ambulance with him?

22 A. No.

23 Q. When did you see him the next time after
24 that?

25 A. Well, I saw them -- when the policemen got

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1 there, the policemen were giving him CPR. And then
2 the E- -- I can't remember if it was the EMT or
3 firemen got there first. I think it was the firemen,
4 and then the EMT.

5 And I was -- the door to the room was right
6 here (indicating). Todd was laying right here
7 (indicating), because that's where I pulled him off
8 the bed. And I was sitting on the floor right here,
9 watching everything that they were doing, because they
10 were trying to -- you know, they had -- they were
11 trying to jump-start his heart again.

12 And then someone realized that I was sitting
13 there and pulled me away and put me in the lobby, a
14 policeman. I talked to a policeman there.

15 And then I saw them wheel him out on, you
16 know, the things they have. And someone was on top of
17 him giving -- you know, doing his heart as they were
18 wheeling him out.

19 And then that policeman I was talking with
20 gave me a ride to Providence. And the next time I saw
21 him he was in the room, in a room -- an emergency room
22 at Providence.

23 Q. And your attorney has produced some phone
24 records of your cell phone and also phone records
25 apparently from the hotel. And I'm not going to mark

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1 these as an exhibit because I just want to ask you
2 about them. One is a phone record. It appears to be
3 for a phone number 223-8728. Is that your cell phone?

4 A. Yes, it is.

5 Q. And the record for April 19th that looks
6 like it's a call to ANMC, the number being 563-2662,
7 the billing has that record at 3:47 p.m. And I don't
8 expect you to remember the exact time. But does that
9 sound about right, that it was late afternoon that
10 Saturday?

11 A. Yes.

12 Q. And then there's a number -- right after
13 that there's a directory assistance call, and then
14 there's a call at -- well, both of these calls are at
15 about 4:28. A call to 745-1420, out in Palmer. Do
16 you think that's the call that you made about this
17 painting?

18 A. Probably, yes.

19 Q. And then there's a call at about 6:27 to a
20 number in -- looks like in Washington, Sedro Woolley.
21 Do you know who that is?

22 A. My parents.

23 Q. It's your parents. And then there's a call
24 to Cordova. Would have been to --

25 A. Todd's parents or his brother.

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1 Q. And so this would confirm that you -- if
2 this record is accurate, that you had one call to ANMC
3 that afternoon?

4 A. (Witness nods head.)

5 Q. And then there's a -- the call that you made
6 to the emergency service, did you use the hotel phone
7 for that one?

8 A. Yes.

9 Q. And then there's kind of a copy of a
10 billing. It appears to be from Microtel. It's marked
11 Allen, parentheses, Microtel, number one. Only it
12 shows phone call billings for April 18th. Can you
13 explain why there's a difference in the dates of the
14 billing versus when you made the call?

15 A. No.

16 Q. And assuming that this is just an error in
17 the billing date, it appears that there's a call to
18 911 at about five -- looks like 5:23 or 5:13. It's a
19 little after 5:00 -- the number is hard to read -- on
20 the Saturday afternoon. Is that consistent with your
21 recollection?

22 A. Yes.

23 Q. Okay. Do you need to take a break or can
24 we -- I'm going to try and finish this up so we can
25 get -- I don't want to push you. I understand this is

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